

ARTICLE THREE

3.00.00

DEFINITIONS

3.00.01 For the purpose of this ordinance, certain terms and words are defined as follows:

All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number and all words in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise; the word "structure" shall include the word "building", the word "lot" shall include the words "plot" and "tract" and the word "shall" is mandatory.

ABUTTING/CONTIGUOUS PROPERTY: Any property that is immediately adjacent to, touching or immediately across any road or public right-of-way from the property in question.

ACCESS, POINT OF: A driveway or other opening for vehicles into a public street.

ACCESSORY STRUCTURE, USE OR FACILITY: A structure or use or facility that is customarily associated with and is appropriately incidental and subordinate to a principal use or structure and located on the same lot. The accessory structure, use, or facility shall always be subordinate in area, extent or purpose to the principal use served.

ACCIDENT POTENTIAL ZONES (APZ'S): As applied to military airfields, mean those areas which have been identified as being significantly impacted by accident potential from aircraft.

ADDITION (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

AGRICULTURE: The production of food and/or fiber.

AGRICULTURE-RELATED ACTIVITIES: Those activities which are customarily incidental or accessory to an agricultural use, including but not limited to, the maintenance of barns, storage sheds and farm equipment.

AIRPORT: Any area of land or water designated and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes, including but not limited to:

1. Milton "T" Airport;
2. NAS Whiting Field (North and South) (T-34 & Hell);
3. Outlying Landing Field (OLF) Choctaw (Jet & T-34);

4. OLF Harold (Helo);
5. OLF Spencer (Helo);
6. OLF Pace (Helo);
7. OLF Santa Rosa (Helo); and
8. OLF Wholly (T-34).

AIRPORT ELEVATION: The highest point of airport's landing areas measured in feet above mean sea level.

AIRPORT ENVIRONS: That area which has been identified as being significantly impacted by airport noise and accident potential.

AIRPORT HAZARD: Any structure or tree or use of land which would exceed the federal obstruction standards as contained in C.F.R. Section 77.21 (scope), 77.23 (standards), 77.25 (civil airports), 77.28 (military airports), 77.29 (helicopters), FAA Handbook 7400.2C (Procedures for Handling Airspace Matters), and FAA circular 1500/5300-4B (zoning and grants) which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented by this ordinance.

AIRSPACE HEIGHT: To determine height limits in all zones set forth in this ordinance, the data shall be above mean sea level elevation (AMSL) unless otherwise specified.

ALCOHOLIC BEVERAGE: A liquid brewed or distilled for human consumption containing more than one (1) percent alcohol by weight, including beer, wine and liquors.

ALL WEATHER ACCESS: A road with a hard driving surface (compacted clay, gravel or shell or asphaltic materials) when such road is designed and constructed in such a way as to permit runoff of stormwater from the driving surface under normal rainfall conditions. The driving surface must be free of water at 3" depths during normal rainfall events.

ALLEY: A roadway which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any construction which would result in a change in height or lateral dimensions of an existing structure.

APARTMENT: An independent housekeeping unit (room or suite of rooms used exclusively for permanent or seasonal residential occupancy as a home or residence of one individual, family or household, and not including hotel rooms, motel rooms, lodging rooms, or other living units

used for short-term occupancy of less than six months and one day). Each apartment unit shall contain a kitchen area with sink, and the unit shall contain a bathroom with bath and toilet facilities.

APARTMENT HOUSE: A building with at least three (3) separate housekeeping units and certain mechanical conveniences such as heat, light, or elevator service in common.

APPEAL: A request for a review of the Community Planning, Zoning and Development Division's interpretation of any provision of this ordinance or a request for a variance.

ARCHITECT: A person registered and currently licensed to practice architecture in the State of Florida.

AREA OF SHALLOW FLOODING: A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: Is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

AUTOMOBILE RENTAL SERVICE: The establishment primarily engaged in renting or leasing passenger automobiles.

BACKGROUND TRAFFIC: The most recently available annual average daily traffic volume for a roadway segment, growth adjusted to the current year ; plus "trips from approved development". Background traffic shall be adjusted for the: 1) Addition of newly approved development trips assigned to each roadway segment, and 2) Subtraction of trips associated with development orders which expired.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT (or Cellar): A story, whether or not suitable for living purposes, partly underground by having more than one-half (1/2) its clear floor-to-ceiling height below the mean grade. The distance from grade to ceiling shall be at least four (4) feet, six (6) inches.

BCC: The Santa Rosa County Board of Commissioners.

BEER: The term beer or the term "malt beverage", as used in this Ordinance, shall extend to and include all brewed beverages containing malt.

BOAT BASIN: A facility, for recreational purposes only and neither for profit nor to render any service customarily carried on as a business, which is designed and used for the security or mooring of watercraft or accessories is allowed, except for the storage of fuel used by such craft.

BLOCK: A tract of land bounded by street, alleys, shorelines, waterways or other definite boundaries.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BOARDING HOUSE: A dwelling used for the purpose of providing meals or lodging or both to persons other than members of the family occupying such dwelling.

BUFFER STRIP: A landscaped area of land separating two or more zoning districts or land uses.

BUILDABLE AREA: A building site area which shall be on a lot that is at least the minimum area required for the zone in which said lot is located. Such lot shall be consistent with all lot requirements within the respective zoning district. The term "buildable area" is not necessarily synonymous with the term "lot" as defined herein.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BUILDING, AREA: The total ground area, taken on a horizontal plane at the mean grade level, of each building and accessory building, but not including uncovered entrance platforms, terraces and steps.

BUILDING LINE: The inner-most edge of any required yard or set back.

BUILDING OFFICIAL: The Director of the Building Department and all inspectors working under his authority.

BUILDING, SET BACK: A line parallel to or concentric to the front lot line, tangent to the nearest part of the principal building, extending from side lot line to side lot line.

BULK PLANT (LIQUIFIED PETROLEUM): The term bulk plant shall mean a facility, the primary purpose of which is the storage of liquified petroleum gas, and which facility has a bulk storage capacity of 2,000 gallons water capacity or more.

BULK REGULATIONS: Provisions of the zoning code which govern the size of buildings and other structures and their relationships to each other and lot lines. Bulk regulations include: regulations relative to height limitations, required yards, limitations on floor area, building coverage, location of exterior walls with respect to lot lines, streets or other buildings, or other structural components and other similar development characteristics.

CAMPGROUND: A place where buildings or sites for recreational vehicles or tents are rented for use as temporary living quarters for recreational purposes.

CHILD CARE CENTER: An establishment where children, other than members of the family occupying the premises, are cared for away from their own home by day or night. The term includes day nurseries, but does not include foster homes.

CHURCH: A building designed and/or used for public worship.

CLINICS (Medical): The provision of the therapeutic, preventive or corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services. These services are provided to patients who are admitted for examination and treatment by a physician and with no overnight lodging.

CLUB: Activities typically performed by a group of persons for social or recreational purposes not operated for profit or to primarily render services which are customarily carried on as a business for profit.

COASTAL HIGH HAZARD AREA: The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE or V.

COMMERCIAL CANOPY: A roof like cover that is intended for the shielding of parking areas, gas pumps, above ground storage tanks and areas from the elements.

COMMERCIAL USE: Activity carried out for monetary gain.

CONDITIONAL USE: A conditional use is a permitted use but is permitted only if certain conditions are satisfied. The County Board of Adjustment (Zoning Review and Appeals Board) reviews and acts on petitions for conditional uses with appeal to the County Commission (see Section 6.09.00 et. seq.).

CONSTRUCTION: The act of any building, clearing, filling, excavation or substantial improvement in the size of use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

COUNTY: County shall mean Santa Rosa County, Florida.

DAY-NIGHT AVERAGE SOUND LEVEL (Ldn): A basic measure for quantifying noise exposure, namely: The A-weighted sound level averaged over a 24-hour time period, with a 10 decibel penalty applied to night time (10:00 p.m. to 7:00 a.m.) sound levels.

dBA: The unit of corrected noise level measured in accordance with the "A-weighting scale" which replicates the response characteristics of the ear.

DECIBEL: A unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with 1 for the faintest audible sound. Abbreviated dB.

DENSITY: The number of dwelling units permitted per acre and expressed in terms of gross or net acreage.

DEVELOPER: An individual, partnership, corporation or other legal entity, or agent thereof, who undertakes the activities covered by this ordinance.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, land clearing, grading, paving, excavating, drilling operations or permanent storage of materials, but not including routine maintenance activities.

DISTRICT: Any section of the Santa Rosa Planning Area designated on zoning district maps within which zoning regulations are uniform.

DORMITORIES: A room, apartment or building containing sleeping accommodations operated for the use of students enrolled in an educational institution.

DRIVE-IN RESTAURANT: An establishment where food is served to persons in vehicles for consumption on or off-premises.

DRY CLEANERS: An establishment where the process of removing stains from wearing apparel, textiles, fabrics, rugs, etc. is carried on. It may include the process of dyeing clothes or fabrics.

DUNE: A mound or ridge of loose sediments, usually sand-size sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

DWELLING UNIT (DU): One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling for the exclusive use of a single family maintaining a household.

DWELLING (Multiple): A structure or group of structures on a parcel or building lot designed for occupancy by three (3) or more families living independently of each other and which individually or collectively comprise three (3) or more apartments (see "Apartment").

DWELLING (Single Family): A detached building designed for or occupied exclusively by one family as a housekeeping unit.

DWELLING (Two Family, Duplex): A detached building designed for or occupied exclusively by two (2) families only living independently of each other.

EASEMENT: An interest in land owned by another which entitles the holder to a specific use or enjoyment.

EFFICIENCY APARTMENT: A housekeeping unit consisting principally of one room and alcoves, equipped with kitchenette and bath.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

ELEVATIONS: Means the height measured above mean sea level. All mean sea level (msl) elevations in this ordinance shall be measured from certified bench marks throughout the area.

ENCLOSED LIVING AREA: Defined by measurements made from outside of exterior walls. Screened porches, garages, patios, and closets not opening to the interior shall not be construed to mean enclosed living area.

ENFORCEMENT OFFICIAL: The County Administrator or his designee.

ENGINEER: A person registered and currently licensed to practice professional engineering in the State of Florida.

EXPANSION TO AN EXISTING MOBILE HOME PARK : The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAMILY: Two or more individuals related by blood, marriage or adoption and not more than four unrelated persons living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

FENCE: A structure functioning as a boundary or barrier usually made of posts, boards, or wire.

FILLING STATION: (Limited Vehicular Service and Maintenance); Establishments for dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items, and which may include the inspection, servicing or minor repair of motor vehicles and does not have more than three (3) enclosed service bays or stalls. These services shall not include body repair and painting, or frame straightening.

FIRST FLOOR LEVEL: Lowest floor of structure.

FLOOD or FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOOD PLAIN VIOLATION: The failure of a structure or other development to be fully compliant with Santa Rosa County's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other compliances required and presumed to be in violation until such time as that documentation is provided.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA: The usable floor area of any dwelling unit, including outside walls, but exclusive of basements, garages or porches.

FLOOR AREA, GROSS: Total floor area of all stories of any structure including halls, stairways, elevator shafts, and other related uses, measured to outside faces of exterior walls.

FLOOR AREA, MINIMUM: The area included within the surrounding walls of a building exclusive of vent shafts, courts, carports, garages, breezeways, patios, stairwells, and the like.

FOOTPRINT: The surface area enclosed or covered by the footing, foundation or outermost projection for any floor of a building whichever area is greatest.

FORESTRY: The cultivation and harvesting of trees. The term shall not include the retail sale of trees or similar products.

FRONTAGE: All of the property abutting any street, measured along the right-of-way.

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

GARAGE (Private): A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles of the occupants of the premises, including carport.

GARAGE (Service and Repair): A building or portion thereof, used to provide major automotive repair not permitted as a part of a limited vehicular service and maintenance activity (see Section 6.03.03(P)). A storage and repair garage shall be classified as a limited impact manufacturing activity as defined in Section 6.03.04(B)(4).

GARAGE (Storage): A building designed or used for the storage of automobiles. Services other than storage shall be limited to refueling, lubrication, washing, waxing and polishing.

GARAGE (Parking): Governmental or private commercial building or structure solely for the off-street parking or storage of operable motor vehicles.

GAZEBO: A covered structure with open sides and designed to provide a shady resting place.

GOLF COURSE: A tract of land for playing golf, improved with tees, greens, fairways, hazards and which may include club houses and shelters.

GRADE: The average level of the finished surface of the ground adjacent to the exterior wall of the building.

GREENBELT: An open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

GROSS ACREAGE: The total number of acres within the perimeter boundary of a parcel of land.

GROUP HOME (Special Residential Facility): A special residential facility which provides a living environment for six (6) or less unrelated residents. Pursuant to s. 419.001 F.S., group homes of six or less residents may be located in single family or multifamily residential districts.

GUEST COTTAGE: A building occupying not more than 50% of the total floor area square footage of the main building and the cottage is used exclusively for housing members of the family occupying the principal dwelling or their non-paying guests. It shall comply with the general building height and yard regulations for main buildings. No mobile home or recreation

vehicle as defined herein shall be considered as a guest cottage.

GUEST HOUSE (or Boarding House): Any structure including converted dwellings in which less than ten rooms, with or without meals, are rented or otherwise provided for compensation to transients for their temporary care and lodging.

HABITABLE, FIRST FLOOR: The first floor usable for living which includes working, sleeping, eating, cooking or recreation, or any combination thereof. A floor used only for storage purposes is not a habitable floor.

HEIGHT: The overall height of a structure, including any appurtenance thereon, and for the purposes of determining the height limitations set forth herein, the datum shall be mean sea level elevation unless otherwise specified. The height for a building shall be the vertical distance from the lowest habitable floor elevation to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HOME OCCUPATION: Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

HOSPITAL: A building where medical and surgical diagnosis or treatment is available to persons under the care of doctors and nurses.

HOTELS AND MOTELS: A building or other structure used, maintained, or advertised as a place where ten (10) or more rooms are offered on a short term or transient basis for sleeping or living accommodations and which may include as an accessory use one or more main dining room areas.

HOTEL/MOTEL UNIT: One or more rooms designed, occupied or intended for sleeping purposes by a transient guest.

HOUSEKEEPING UNIT: (See Dwelling).

INSTITUTIONS: A not-for-profit establishment for public use.

KINDERGARTEN: A building used for the instruction of pre-school-aged children.

LAND AREA: The total land area within the property lines of a lot.

LAND DEVELOPMENT CERTIFICATE(or Development Order): A certificate issued by a Santa Rosa County official indicating that a proposed use of land is in conformity with the land use regulations as contained herein and is in conformity with the adopted Comprehensive Plan.

LAND DISTURBING ACTIVITY: Any activity involving the clearing, cutting, excavation, filling or grading of land, or any other activity which alters land topography or vegetative cover. The term does not include routine maintenance activities.

LAND SURVEYOR: A land surveyor duly registered and currently licensed by the State of Florida.

LANDSCAPE: The surroundings of a structure which provide setting for that structure.

LANDSCAPING: A act of modifying a landscape, or features used in such modification such as, but not limited to trees, lawns, vegetation and grade changes.

LAUNDRY, SELF-SERVICE: A business that provides coin operated washing, drying, dry cleaning and/or ironing machines for hire to be used by customers on the premises.

LIQUIFIED PETROLEUM GAS: The term liquified petroleum gas shall mean and include any material which is composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butanes (normal butane or isobutane), and butylenes (including isomers).

LIQUOR: The term liquor, when used herein, shall be taken to include the words "distilled spirits" and shall extend to and include all spirituous beverages created by distillation and by mixture of distilled beverages by what is commonly termed "blending."

LOADING SPACE: A space on the lot or parcel of land accessible to an alley or street.

LOT: A parcel of land situated in a duly platted subdivision occupied or intended for occupancy by one or more principal buildings or structures with or without accessory buildings and structures; including open space and parking spaces required by this Ordinance. A lot also may be defined by a metes and bounds description when such lot is not within a platted subdivision.

LOT (Corner): A lot abutting upon two or more streets at their intersection.

LOT (Depth): The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

LOT (Double Frontage): A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT (Interior): A lot other than a corner lot.

LOT (Lines): The lines bounding a lot.

LOT (of Record): A lot which is a part of a subdivision, the map of which has been recorded in the Office of the County Clerk of Santa Rosa County or a lot described by metes and bounds, the

description of which has been thus recorded.

LOT (Width): The distance between the side lot lines; measured along the minimum front building setback line when a front yard is required in these regulations; otherwise, the lot width shall be the mean horizontal distance of the lot measured at right angles to the depth.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Article 10.

MANUFACTURED BUILDING OR HOME: A closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include but not be limited to residential, commercial, institutional, storage or industrial structures and bearing the Department of Community Affairs insignia. This part does not apply to Mobile Homes.

MOBILE HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale. A new mobile home park or subdivision means a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by Santa Rosa County.

MARINA (Recreational and Commercial): Public facilities located adjacent to a public navigable waterway and which are provided with slips and/or moorings for securing, servicing or repairing of watercrafts, but excluding industrial craft. Major repairs, such as construction or rebuilding of boats, installations of new bottoms or substantial structural additions or alterations, are prohibited as they are industrial activities.

MARINA (Industrial): Public facilities located adjacent to a public navigable waterway and which are provided with slip and/or moorings for major repairs such as construction or rebuilding of boats.

MARINA (Private): Facility associated with a private development as an amenity to the development and not open to the public.

MEAN SEA LEVEL (MSL): The average height of the surface of the Gulf for all stages of the tide, usually determined from hourly readings; or the mean between high and low tides as established by the National Geodetic Vertical Datum of 1929.

MOBILE HOME: A structure transportable in one or more sections which is eight (8) body feet or more in width and which is built on an integral chassis and designed to be used as a

dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is constructed to standards as promulgated by the United States Department of Housing and Urban Development and bearing the "H.U.D." insignia.

MOTOR VEHICLE: A self-propelled free moving vehicle, usually with four or more wheels, primarily for conveyance on a street or roadway.

MYLAR: Shall mean a stable polyester film resistant to chemicals and heat. It shall be at least 0.003 inches thick.

NATIONAL GEODETIC VERTICAL DATUM (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

NET ACREAGE: The total number of acres within the perimeter boundary of a parcel of land excluding, but not limited to, right-of-way, easements and lakes.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

NONCOMPLYING BUILDING OR STRUCTURE: Any building or other structure which is a lawful use (permitted or nonconforming) but which does not comply with all applicable provisions of this Ordinance including bulk regulations, Performance Standards, or other requirements, either on the effective date of this Ordinance or as a result of any subsequent amendment.

NONCONFORMING USE: A use of a building or structure or of a tract of land which, at the time of the commencement of the use, was a permitted use in the zoning district, or any legal change thereto from time of the commencement thereof until the effective date of this Ordinance, but which does not, on the effective date of this Ordinance, conform to any one of the current permitted uses of the district in which it is located.

NURSING HOME (Rest Home or Convalescent Home): Activities customarily performed by a home for the elderly or infirm in which three or more persons not of the immediate family are received, kept or provided with food, shelter and care for compensation. This activity shall not include duly state licensed volunteer adult foster care homes in which three or less foster adults are placed. Neither does the principal activity include hospitals, clinics or similar institutions devoted to the diagnosis and treatment of the sick or injured.

OBSTRUCTION: Any structure or tree which exceeds permissible height limitations or is otherwise hazardous to the landing or taking off of aircraft.

OPEN SPACE: Land or portions of land to be preserved and protected, whether municipally or privately owned and perpetually maintained for active or passive recreation or to meet lot coverage requirements. Includes, but is not limited to the following terms: developed recreation, natural and landscaped areas, common open space, etc.

OWNER: The owner of the fee simple title of record, a bindee, under a contract by agreement for deed, or a lessee under a written lease.

PARCEL: A lot or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development.

PARKING LOT (Off-Street Public or Private): An open area at ground level providing two or more parking spaces with or without a parking fee and in which no sales are permitted.

PARKING SPACE: An area used for and sufficient in size to store one automobile.

PERMISSIBLE USE (Permitted Use): Any use authorized in a particular zoning district or land use category, a permitted use, conditional use, or special exception use.

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

PLANNED UNIT DEVELOPMENT PROJECT (PUD): An organized comprehensive program for flexible planning approval of improvements on a parcel of land in compliance with basic and specific development objectives and regulations, allowing individualized land use and site plans.

PLAT: A map or drawing depicting the division of lands and lots, blocks, tracts, or sites being a complete exact representation of the boundary lines, streets, easements and other information in compliance with the Florida Plat Act and applicable County ordinances including this code.

POLITICAL SUBDIVISION: Any county, city, town, village or other political subdivision or agency thereof, of any district, port commission, port authority or other such agency authorized to establish or operate airports in the state.

PREMISES: Any land together with any structures occupying it.

PRINCIPAL BUILDING: The building in which the principal use of the lot on which it is situated is conducted.

PRINCIPAL USE: The main use of land or structures.

PROJECT PARCEL: That tract of real property comprising the gross acreage of all the land and water areas of a given project or development, including open space and parking. (See Gross Acreage).

PROPERTY LINE: The recorded boundaries of a lot or tract of land under one ownership.

PROTECTED TREE: A living tree eight (8) in diameter at a point four and one-half feet above ground level, unless being of size to be classified a "champion tree" as defined by the

Florida Department of Agriculture and Consumer Services, Division of Forestry.

PUBLIC/PRIVATE UTILITIES AND PUBLIC FACILITIES: Buildings, structures, equipment, or uses of land which are customary and necessary to the maintenance and operation of essential public services and major capital improvements, including transportation, sanitary sewer, electric and gas transmission systems, water distribution, collection and disposal, law enforcement, fire protection, communication, solid waste, drainage, potable water, educational, parks and recreational, health systems and facilities, and similar services and facilities.

RECREATIONAL VEHICLE: A vehicular type portable structure without a permanent foundation, which has been or can be reasonably equipped with wheels and can be towed, hauled, or driven and primarily designed as temporary living accommodations for recreational use, including camping and travel trailers, truck campers, camping trailers, self-propelled motor homes, and converted vehicles.

RECREATIONAL VEHICLE PARK (Campground): A duly licensed business entity engaged in the rental of two (2) or more parking spaces for temporary (6 months or less) parking of recreational vehicles.

RESIDENTIAL DOCK OR PIER: A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

RESTAURANT: Establishment designed to serve foods and beverages which are consumed on the premises within the confines of the principal building.

RESTRICTIVE COVENANTS: Private regulations recorded with the final plat or deed, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

ROOF LINE: The upper most line of the roof, including mansard roofs, or a building, or in the case of an extended facade, the upper most height of said facade. However, in the case of a slanted roof or A-frame type roof, roof line refers to the lower most edge of said roof.

SAND DUNES: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SEASONAL (OR TRANSIENT) RESIDENT: Any person or persons occupying any form of dwelling or housekeeping unit, with or without a kitchen for any period of time cumulatively totaling less than six months and one day.

SETBACK LINE (Street): That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

SHOPPING CENTER: A group of commercial establishments planned, constructed and managed as an entity with customer and employee parking provided on-site, provision for goods

delivery separated from customer access, and designed to serve a community or neighborhood.

SIGN: Any device, attached or free-standing structure, or any combination of device or structure, made of any material, with or without a written message, figure, painting, drawing, logo symbol or other form, designed, placed, intended, or used to inform or attract attention. Including but not limited to all flags, banners, streamers, excluding flags and insignia of any government, state, county, city or agency thereof.

Specific types of signs are more particularly defined as follows:

1. **Abandoned Sign:** A sign is abandoned if the land use or business advertised on that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at the location noted on the sign.
2. **Add-on Sign:** Any additional sign added to a sign.
3. **Animated Sign:** A sign with physical or light action or motion on the appearance thereof, including identification, and including, wind actuated elements, rotating, overhauling, fluttering or swinging signs, but excluding banners and governmental flags.
4. **Banner Sign:** A sign which is composed of a strip of lightweight fabric on which a message is painted advertising products or services offered on property.
5. **Construction Sign:** A temporary sign identifying those engaged in or involved with construction on any building site, excluding signs at construction sites on portable toilets, or construction trailers.
6. **Electronic Message Board:** A sign that has a message board that can be electronically programmed to display information.
7. **Non-Conforming Sign:** Any sign which does not comply with the regulations of this Ordinance, or subsequent amendments.
8. **Off Premises Sign:** A sign, billboard, device or structure of any material, or portable (trailer) sign which directs attention to or has as its subject matter a business, commodity, service entertainment, or any other subject matter conducted, sold, or offered at a location other than on the premises where the sign is located, or not related to the premises on which the sign is located.
9. **On Premises Sign:** A sign, billboard, device or structure of any material, or portable (trailer) sign which directs attention to or has as its subject matter a business, commodity, service entertainment, or any other subject matter conducted, sold, or offered on the premises where the sign is located.
10. **Political Sign:** Any temporary sign used to influence local county, state, or national elections.

11. **Portable Sign:** A sign designed to be temporary in nature and movable, including those mounted on a trailer-type vehicle with or without wheels. A-frame signs, balloon signs, and all other similar type signs not permanently attached to the yard or a building.
12. **Wall Sign:** An outdoor advertising display sign affixed to the wall of any building, projecting not more than 12 inches from the building.

SITE: A plot of land suitable for development, or on which a building or buildings has been built.

SITE PLAN: A plan, to scale, showing uses and structures proposed for a parcel of land required by this code. A site plan includes, but is not limited to, lot lines, streets, building sites, reserved open space, parking, existing buildings, major landscape features and proposed utility lines and easements.

SPECIAL EXCEPTION: A special exception is a use not generally permitted within a respective zoning district but may be authorized by the Board of Adjustment (Zoning Review and Appeals Board) when such use is found to be substantially in harmony with the general purpose and intent of the zoning ordinance. Such use may be authorized only after strict compliance with the procedures expressly set forth in Article 2. Such special exceptions are limited to those uses specifically authorized in Article 2.

SPECIAL RESIDENTIAL FACILITY: A facility licensed to serve clients of the Department of Health and Rehabilitative Services which provides a living environment for unrelated residents who operate as a functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of the residents. The clients (residents) are limited to: children, the aged, physically disabled, handicapped, developmentally disabled and mentally ill who do not constitute a direct threat to the health, property, and safety of the neighborhood.

START of CONSTRUCTION: (For other than new construction or substantial improvements under the coastal Barrier Resources Act {P. L. 97-348}), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the

ceiling next above it. In computing the height of a building, the height of a basement or cellar shall not be included if more than one-half (1/2) of its height is below the mean grade.

STORY (Half): A story under a gabled, hipped or gambrel roof, the wall plates of which are on at least two opposite exterior walls and are not more than three (3) feet above the finished floor of such story.

STREET: A public or private thoroughfare accepted or approved by the county that is used, or intended to be used for passage or travel by motor vehicles. Street classifications include the following:

Major Arterial - Roads serving as principal routes through the County. The purpose of these facilities is to move large volumes of traffic from one part of the region or County to another.

Minor Arterial - Roads providing connections between major activity centers of the County. Minor arterials augment the major arterial system for local and inter-County traffic by feeding traffic from collector and residential street systems onto major arterials.

Residential Collector Streets - Streets that collect and distribute traffic between other residential streets of lower order in the streets hierarchy and higher order streets or major activity centers. This is the highest order of street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.

Residential Subcollector Streets - Access streets that provide frontage for residential lots and may carry a small amount of residential through traffic collected only from tributary residential access streets.

Residential Access Streets - Streets which directly serve abutting properties and residences. These streets should be relatively safe and quiet and should be completely free of any through traffic. Streets and roads providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.

Secondary Road - Roads that were previously owned by the State Department of Transportation and are now owned and maintained by Santa Rosa County.

STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street right-of-way.

STRUCTURE: Any object constructed, erected, or installed by man, the use of which requires permanent location on the land, or attached to something having a permanent location on the land.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, bearing partitions, columns, beams or girders, or any complete rebuilding of the roof, exterior walls or any other change which results in increased or decreased height of a structure.

SUBDIVISION: The division or re-division of a parcel of land into two or more parcels except for modifications, exceptions and revisions provided for in this ordinance.

SUBDIVISION, MINOR: Minor subdivisions refer to any division of one parcel of land into two or more parcels in which all parcels have adequate existing public street or county-approved right-of-way frontage of not less than fifty (50) feet each and require no new streets or change in existing public streets. Parcels fronting on a deeded right-of-way where the actual roadway has not been constructed and has not been accepted for maintenance by the County shall not qualify as minor subdivisions.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds a cumulative total of fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. Before the damage occurred, if the structure has been damaged and is being restored.

TEMPORARY BUILDING: A building or structure erected on a lot and not erected on a permanent foundation.

TRANSIENT RESIDENT: (See Seasonal Resident).

TRIPS FROM APPROVED DEVELOPMENT: The sum of all new daily traffic volumes assigned to a roadways segment, since the adoption of the County's Comprehensive Plan, for approved development which no certificate of occupancy has been issued at the time of the most recent traffic count. Annual developments which were completed and certificates of occupancy issued as of the date of the most recent traffic counts for the roadway segments.

USE: The purpose for which land or building is arranged, designed, occupied or maintained.

VARIANCE: A variance is the deviation from the requirements and provisions of this ordinance or, and authorization from the Board of Adjustment to deviate (in special situation) from the provisions of this ordinance when such deviation will not be contrary to the public interest and when owing to conditions peculiar to the property and not of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance can only be authorized for height, area, bulk, and size of structure or yard size and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor on non-conformities in the district or classification or in adjoining districts or classifications.

WINE: The term wine, as used herein, shall extend to and include all beverages made from fresh fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added in the manner required by the laws and regulations of the United States. The term "wine" shall further include all sparkling wines, champagnes, combinations of the aforesaid beverages, vermouths and like products. Sugar, flavors and coloring materials may be added to wine to make it conform to the consumer's taste, provided the ultimate flavor or the color of the product is not altered to imitate a beverage other than wine or to change the character of the wine.

YARD: An open space on the same lot with a building between the building and the adjoining lot lines, unoccupied and unobstructed from the ground upward, except by trees or shrubbery, or as otherwise provided herein.

YARD (Front): A yard with full width and length of the lot extending from the nearest point of a building or structure, excluding permitted encroachments, to any front line of the lot. That part of any lot line abutting any established or proposed street right-of-way line other than an alley shall be a "front lot line."

YARD (Side): A yard which is not a front or a rear yard.

YARD (Rear): A yard extending across the rear of the lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than permitted encroachments. On lots with one front lot line, the lot line opposite the front lot line shall be the rear lot line. On lots which abut more than one street, the remaining lot lines shall be considered side yards except as provided in Section 9.

ZERO LOT LINE: A developmental approach in which a dwelling unit is sited along one or more lot lines.

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